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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-14520-1994 (O&M)
Date of Decision: 14.12.2023

Amar Gir

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: None for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. No one appears on behalf of the petitioner. Even on the earlier dates on 07.05.2022 and 02.04.2022, no one appeared for the petitioner. It is an old matter of the year 1994, and requires to be heard and disposed of. In view thereof, this Court has examined the case on merits.
2. This Court finds that the petitioner by way of this writ petition has claimed revised pay scale of Rs. 2000-3500/- with effect from the date of revision of pay scale of Government employees i.e. 01.01.1986, or with effect from the date of appointment of the petitioner i.e. 08.06.1987. It is stated that the petitioner was appointed as a script writer against a vacant post in the grade of Rs.700-1200/- in Punjab Education Department vide order dated 08.06.1987.
3. The respondents have filed their reply and it is stated that the revised pay scale, after 3rd Pay Commission's recommendations for pay scale of Rs.700-1200/-, is Rs. 1640-2925/- and the said pay scale was

brought into force w.e.f. 01.01.1986. The petitioner who was appointed on 08.06.1987 was accordingly fixed in the pay scale of Rs.1640-2925/- from the date he was appointed. It is stated that the claim of the petitioner that the post of script writer should be treated as equivalent to head master and he be placed in the pay scale of Rs.2000-3500/- is not made out.

4. Having noticed the reply and the contents of the writ petition, this Court finds that the pay scale of the head masters and the script writers as per the 2nd Punjab Pay Commission was Rs.300-600/-. This aspect is admitted by the respondents. Thereafter, the pay scale of the post were raised to Rs.700-1200/- in terms of the recommendations of the Punjab Pay Commission and the petitioner therefore was placed in the pay scale of Rs.700-1200/-. The 3rd Punjab Pay Commission recommended grade of Rs.1640-2925/- for script writer, while the pay scale for head masters was increased to Rs.2000-3500/-. The claim of the petitioner is that he should be also given pay scale of Rs.2000-3500/-.

5. Granting of a particular pay scale to a particular post is in exclusive domain of the Pay Commission, and it is on their recommendation that a grade is fixed for a particular post. This Court is neither in a capacity nor would it be its scope of jurisdiction to decide as to which grade of pay should be made applicable for a particular post. Those posts which may have been treated equivalent under the earlier Pay Commission may be made different and distinctive from each other by the subsequent Pay Commissions. The same can be on re-examination on their qualifications, experience on the post, and the nature of duties.

The scope of judicial review in such matters does not lie.

- 6. It is also noted that the respondents have sent the claim of the petitioner to the State Government who is stated to have rejected the claim of the petitioner.
- 7. In view of above, no case for interference is made out.
- 8. Writ Petition stands accordingly *dismissed*.
- 9. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

December 14, 2023

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |